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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES, LLC, Defendant.</div>	Adv. Pro. No. 08-01789 (SMB) SIPA Liquidation (Substantively Consolidated)
<div>In re: BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Debtor.</div>	
<div>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. SCOTT NEWBERGER, Defendant.</div>	Adv. Pro. No. 10-04611 (SMB)

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF CERTAIN CLAIMS
IN ADVERSARY PROCEEDING**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses Counts Two through Six of the Complaint in the above-captioned adversary proceeding with prejudice. This Notice shall have no effect on or application to the Trustee's remaining claims in Count One of the Complaint. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss claims in this adversary proceeding without further order of the Court by filing this Notice of Dismissal. As of the date hereof, defendant Scott Newberger has not filed or served an answer or a motion for summary judgment.

Dated: September 15, 2016

Respectfully submitted,

Of Counsel:

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